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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64054

Takehiko SHIODA, et al.

Appln. No.: 09/829,988

Group Art Unit: 2655

Confirmation No.: 8920

Examiner: Huyen X. VO

Filed: April 11, 2001

For: PLAY BACK APPARATUS

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

ATTN: MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REMARKS

Applicant offers the following comments in response to the Examiner's Statement of Reasons for Allowance set forth on page 2 of the Notice of Allowability dated January 4, 2006. Even though the application includes two independent formulations of the invention (i.e., independent claim 1 and independent claim 10), the Reasons for Allowance paraphrases only claim language of claim 10. Accordingly, while the Statement appears to be an accurate statement of reasons for allowing claim 10, Applicant notes that the Examiner's Statement does not accurately reflect the actual claim language of claim 1. For instance, claim 1 recites, *inter alia*,

“...a first storage section for successively renewing the temporarily stored data successively generated according to the

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PCM audio data and temporality storing thereof, and appropriately repeatedly reading out the temporarily stored data which is temporarily stored, and successively outputting thereof; and

a switching section for selecting either one of the PCM audio data successively outputted from said compression decoder or the temporarily stored data stored in said first storage section, and outputting thereof...”

Accordingly, Applicant respectfully submits that each claim is patentable based on its own language and not based on any paraphrasing or addition of language that may have been made by the Examiner.

Further, Patent Office personnel are requested to note that the present submission does not adversely affect the patent term adjustment accrued by the Applicant to date. As emphasized in the “Clarification of 37 C.F.R. §1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed,” 1247OG111 (6/26/01), “a response to the examiner’s reasons for allowance” is an example of a paper that does “not cause substantial interference and delay in the patent issue process” and is “not considered a ‘failure to engage in reasonable efforts’ to conclude processing or examination of the application.”

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Therefore, the Applicant remains entitled to the full patent term adjustment of 597 days
set forth on page 3 of the Notice of Allowance dated January 4, 2006.

Respectfully submitted,



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WASHINGTON OFFICE

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CUSTOMER NUMBER

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